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SERVICE DATE – SEPTEMBER 17, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 57 (Sub-No. 61X)

SOO LINE RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
RACINE COUNTY, WIS.

Decided: September 15, 2014

Soo Line Railroad Company, d/b/a Canadian Pacific (Soo Line) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 10.63-mile line of railroad located approximately between milepost 7.8 and milepost 18.43 in Racine County, Wis. Notice of the exemption was served and published in the Federal Register on February 14, 2014 (79 Fed. Reg. 9,042). The exemption was scheduled to become effective on March 19, 2014.

By decision served on March 18, 2014, the Board imposed a trail use condition on Soo Line's abandonment exemption and four environmental conditions recommended by the Board's Office of Environmental Analysis (OEA). The environmental conditions require Soo Line to: (1) consult with Racine County Officials and the State of Wisconsin to determine if a floodplain permit is required and, if so, comply with its reasonable requirements; (2) consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers; (3) consult with the Wisconsin Coastal Management Program (WCMP) prior to beginning any salvage activities to determine whether state coastal management consistency certification is required and report the results of these consultations in writing to OEA prior to the onset of salvage operations; and (4) (a) retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f; (b) report back to OEA regarding any consultations with the Wisconsin State Historic Preservation Office (SHPO), any other Section 106 consulting parties, and the public, and (c) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

In a supplemental final environmental assessment dated September 2, 2014, OEA states that it received a comment from the SHPO stating that there are no eligible properties in the area of potential effect. The SHPO also noted that it had no further concerns under Section 106. Accordingly, OEA recommends that the Section 106 condition be removed.

Consistent with OEA's recommendation, the Section 106 historic preservation condition imposed in the March 18, 2014 decision will be removed. All previously imposed consultation conditions remain in effect.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the March 18, 2014 decision is removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.